

PATENT  
Attorney Docket No.: 53529-5005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Karl NOCKA *et al.*

Application No.: 10/005,907

Filed: December 7, 2001

For: NOVEL GENES ASSOCIATED WITH  
ALLERGIC HYPERSENSITIVITY AND  
MAST CELL ACTIVATION

)  
)  
)  
)  
) Group Art Unit: 1644  
)  
) Examiner: P. Huynh, Ph.D.  
)  
)  
)

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**AMENDMENT (FEE) TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment responding to the Office Action dated May 7, 2004.
2. Additional papers enclosed:
  1. DECLARATION UNDER 37 C.F.R. § 1.131 with Exhibit A
  2. Copy of Board of Patent Appeals and Interferences Decision,  
*Ex Parte* Dane K. Fisher, and Raghunath V. Lalgudi

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Fee for Small Entity</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00
<input type="checkbox"/> five months	\$2,010.00	\$1,005.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$110.00

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	72	minus	71	1	x \$18/\$9 each=	\$ 18.00
Independent Claims (37 C.F.R. §1.16(b))	1	minus	7	0	x \$86/\$43 each=	\$ 0.00
<input checked="" type="checkbox"/> First presentation of Multiple dependent claim(s)					\$290/\$145	\$ 290.00
Fee for <u>1</u> Month Extension of Time						\$ 110.00
TOTAL FEE =						\$ 418.00

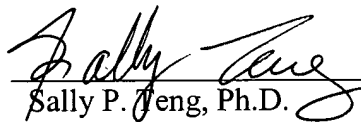
6. Fee Payment

- ☒ The Commissioner is hereby authorized to charge **\$418.00** to Deposit Account No. 50-0310 for Additional Claims Fee (\$18.00), Multiple Dependent Claims Fee (\$290.00) and One Month Extension of Time Fee (\$110.00).
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**

Date: September 7, 2004  
Morgan Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel. No.: 202-739-3000  
SPT:mk

By:

  
Sally P. Jeng, Ph.D.  
Registration No. 45,397  
Tel. No.: (202) 739-5734  
Fax No.: (202) 739-3001



1644/##  
JFW

PATENT  
Attorney Docket No.: 053529-5005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Karl NOCKA *et al.*

Application No.: 10/005,907

Filed: December 7, 2001

For: NOVEL GENES ASSOCIATED WITH  
ALLERGIC HYPERSENSITIVITY AND  
MAST CELL ACTIVATION

)  
)  
)  
)  
) Group Art Unit: 1644  
)  
) Examiner: P. Huynh, Ph.D.  
)  
)  
)

Commissioner for Patents  
U.S. Patent and Trademark Office  
220 20th Street S.  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**AMENDMENT UNDER 37 C.F.R. § 1.111**

This paper responds to the Office Action, dated May 7, 2004, time for response to which expired August 7, 2004. A petition for an extension of time of one month is filed concurrently, thereby extending the period of response to September 7, 2004. Thus, this response is timely filed.

Applicants respectfully request reconsideration of this application in view of the following amendment and remarks.

Please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 4 of this paper.

09/09/2004 HLE333 00000001 500310 10005907

01 FC:1251 110.00 DA  
09/09/2004 HLE333 00000001 500310 10005907

02 FC:1202 18.00 DA  
03 FC:1203 290.00 DA